No. 82-1474

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

CHARLES R. HOOVER, HOWARD H. KARMAN, ROBERT D. MYERS and HAROLD J. WOLFINGER,

Petitioners,

vs.

EDWARD RONWIN,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

EDWARD RONWIN
P.O. Box 3585
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(515) 223-8819
Respondent pro se

QUESTIONS PRESENTED FOR REVIEW

1. Was the grading procedure employed by petitioners for the February, 1974 Arizona State Bar examination clearly articulated and affirmatively expressed by the State of Arizona acting as sovereign; and, if so did the sovereign actively supervise the grading?

2. On the assumption, arguendo, that the issue is properly before this Court, as petitioners argue (fn.9, Petition), is the Noerr-Pennington doctrine applicable to petitioners?

OTHER PARTIES BELOW[1]

[1]Petitioners recognized that the case caption on the Ninth Circuit decision reflects a clerical error, Petition, p.A-1,fn.,; however, petitioners are in error when they claim that the defendants, Slutes, were not served, (said fn. and fn.1, p.i, Petition). The marshal's return of service shows that both Mr. and Mrs. Slutes were served. Ronwin brought the caption error to the Ninth Circuit's attention but the error was not corrected.

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Statutes and Rules

No. 82-1474

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STATUTORY PROVISIONS AND RULES INVOLVED (Additional to those found in the Petition)

Arizona Supreme Court Rules

(All in Vol. 17A, Arizona Revised Statutes)

Rule 28(c)VIII(in effect in 1974)

The semi-annual examinations in February and July shall be in writing. All applicants who receive a grade of seventy

or more in the general examination (all subjects except professional ethics) and who also receive a grade of seventy or more in professional ethics and who are found to be otherwise qualified under these rules shall be recommended for admission to the Bar.

(Adopted April 1, 1967; amended effective Aug. 1, 1970)

Rule 28(c)VIII. EXAMINATION GRADING

The semi-annual examinations shall not be oral. All applicants who receive a passing grade in the general examination and who are found to be otherwise qualified under these Rules shall be recommended for admission to the Bar.

(Added June 10, 1976, effective June 15, 1976; subd. (VIII) amended effective February 14, 1979)

Rule 28(c)VII. EXAMINATION SUBJECTS

A..

(2nd ¶) The Committee on Examinations

may utilize the Multi-State Bar Examination sponsored by the National Conference of Bar Examiners and may utilize such grading or scoring system as the Committee deems appropriate in its discretion.

(Added June 10, 1976, effective June 15, 1976; subd. (VII)(A) amended effective March 17, 1980, subd. (VII)(A) amended December 15, 1981, effective January 1, 1982)

STATEMENT OF THE CASE

While generally correct, Petitioners' Statement of the Case fails to explain that, as recited in Rule 28(c)VIII(1974), p.1,supra, and as pled in the Complaint, (¶IV) and as admitted in petitioners' Answer(¶3), the Arizona Supreme Court's announced policy, as petitioners informed Ronwin and the other examinees, was that examinees who achieved the pre-set standard of a grade of 70 or more passed the examination and "..shall be recommended

for admission to the Bar."

Petitioner, Charles R. Hoover himself informed Ronwin that petitioners did not grade on a zero to one hundred scale; rather, petitioners used raw scores (numbers ranging in the level of 600) and after the results were known in raw score terms, a raw score was picked as equal to 70, "thereby the number of Bar applicants who would receive a passing grade depended upon the exact raw score value chosen as equal to 70, rather than [on the] achievement by each Bar applicant of [the] pre-set standard [of 70]," ¶VI, Complaint. That grading procedure was in conflict with the Arizona Supreme Court's expressed policy, Rule 28(c)VIII(1974), and gave rise to the anti-competitive effect challenged by Ronwin.

The last paragraph of petitioners' Statement ofthe Case, p.5, Petition, carries the implication that the Ninth Cir-

cuit's decision, 686 F.2d 692 was the usual three-member panel decision. However, a majority of the eligible judges of the Ninth Circuit saw no reason to rehear the matter en banc. Thus, said Court's order entered December 2, 1982 denying the second and final Petition for Rehearing and Suggestion of Appropriateness for Rehearing En Banc recites (2nd ¶):

> The full court has been advised of the suggestion for rehearing en banc, and, upon a call for a vote, the en banc call failed to receive a majority of votes of the eligible judges.

See copy of said Order, p.A-1, Appendix.

Ronwin also takes issue with footnote no. 3,p.4, Petition. Ronwin pled, (¶VIII, Complaint):

> When Plaintiff complained of the unlawful behavior of the Defendants, recited above, using the procedures provided by the rules of the Supreme Court of Arizona for said purpose, the Defendants without notice, hearing or medical examination, falsely and maliciously labelled the Plaintiff as

> 'mentally unable to engage in the active and continuous practice of law,' and, denied Plaintiff the right to take the July, 1974 Bar examination.

Proof: defendant, George Read Carlock submitted an affidavit to the Arizona Supreme Court, copy of which is Exhibit C to Ronwin's Response to Appellees' [First] Petition for Rehearing, in which Carlock averred that, inter alia, as Ronwin had charged "..that the Committee's action constituted a conspiracy in violation of Section 1 of the Sherman Act," he [Carlock] "..believed that the Committee could not appropriately find that [Ronwin] was mentally and physically able to engage in the active and continuous practice of law."

Ronwin also noted for the District Court (Ronwin's Response to Defendants' Motion to Dismiss, p.2, ls 2-12; and Appellant's Opening Brief, p. 12,)and for the Ninth Circuit, that:

> Indeed it was only after [Ronwin] exercised his First Amendment right and criticized the manner of grading said examination that [Ronwin's] mental fitness [and physical fitness] was first questioned. Thus in his deposition in cause No. CIV 78-214 [District Court], CARLOCK admitted that he had no specific reason to raise the question about [Ronwin's] mental ability, but in attempting to cloth his charge, and that of the Committee he headed, with some credibility, CARLOCK asserted that it was [Ronwin's] attack on the manner of grading which he considered 'wrongheaded' and which gave rise to his, and said Committee's, initiation of the charge that [Ronwin] was not mentally able [and physically able] to practice law.

The vicious assault on Ronwin's mental (and even physical ability-later dropped) ability to practice law originated in lawlessness, and the same lawlessness, and fraud, characterized the hearing and result before the special committee referred to in petitioners' footnote no. 3

Although some elements are outside the immediate record, matters concerning Application of Ronwin, 113 Ariz. 357, 555

P.2d 315 (1976), also referred to in petitioners' footnote no. 3, are given in footnote so that this Court can have a fuller understanding of what occurred in connection with Ronwin's challenge to the 1974 grading process.[2]

---

[2] Application of Ronwin rests on the statement, 555 P.2d at 317:

> In summary, there is significant expert testimony in the record to indicate that Ronwin has a "paranoid personality.."

The only expert to testify against Ronwin was a psychologist, Dr. Francis A. Enos. At the hearing on Ronwin's latest application for admission to the Arizona State Bar before the Arizona Supreme Court on December 16, 1982, Justice Francis A. Gordon, Jr., who wrote Application of Ronwin, carried on a discussion with Ronwin. Ronwin read two examples of Enos' perjury,which are in the record of said special committee, to Justice Gordon, who, on being asked, did not deny that Enos lied in his testimony. Neither did Justice Gordon deny that those examples and others of Enos' perjury had been brought to the attention of himself and the Arizona Supreme Court before Application of Ronwin was promulgated; and, that, as against Enos, that Court had the testimony of 3 psychiatrists who reported that Ronwin did not suffer from any mental illness and was not a paranoid personality. Two of those experts also informed the Arizona Supreme Court that the condition of "paranoid personality" was not a serious matter nor did it disable anyone from conducting

REASONS WHY THE WRIT SHOULD NOT BE GRANTED

1. Was the grading procedure employed by petitioners for the February, 1974 Arizona State Bar examination clearly articulated and affirmatively expressed by the State of Arizona acting as sovereign; and, if so did the sovereign actively supervise the grading?

   a. The Nature of the Challenged Anti-competitive Behavior

Under Arizona Supreme Court Rule 28(c) VIII (1974), p. 1, supra, which required an examinee to achieve the pre-set stan-

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2-cont'd:

normal professional work. Neither did Justice Gordon deny that some 12 Arizona attorneys testified that Ronwin was not mentally ill. The Dean of the Arizona State Univ. Coll. of Law testified to Ronwin's good mental health and legal ability as did another professor. When asked how he could justify the above-quoted statement from Application of Ronwin, Justice Gordon claimed it was "the record." Since Application of Ronwin appeared 4 more experts, making a total of 7 (6 psychiatrists and 1 psychologist) have told the Arizona Supreme Court that Ronwin is not mentally ill and is able to practice law. A total of 20 Arizona attorneys have done likewise. The Iowa Supreme Court, with the record of the Arizona Supreme Court before it in 1977 held Ronwin mentally able to practice law.

When the tactics against dissent common in the Soviet Union are adopted by petitioners and the other defendants, and by the Arizona Supreme Court, this Court should become very concerned.

dard of a passing grade of 70 to obtain recommendation for admission to the Bar, each applicant must necessarily be examined for his own ability in law as measured by the Bar examination. Had petitioners adhered to the mandate of said Rule, some examinees might have failed to achieve the 70 passing mark; hence, they would have been denied admission to the Bar and thereby excluded from competing for legal business. That anti-competitive effect is ancillary to the determination of qualifications of examinees to practice law and was not complained of by Ronwin.

Ronwin's Complaint challenges petitioners' unauthorized grading system. In that system, petitioners used raw scores. After all grading was completed, petitioners picked a specific raw score as equal to 70 and then interpolated raw scores to a scale of 0 to 100. Thus, petitioners

graded the examinees on the February, 1974 Bar examination as a group, rather than for their individual achievement, as was the Committee's obligation under the language of Rule 28(a), pp.2-3, Petition; and, the numbers of "passing examinees" depended directly on which raw score was chosen as equal to 70; the higher that raw score, the less passed and vice versa. In effect, the examination lost its function as a measure of each applicant's own ability to practice law and, instead, became a value to control the numbers of persons allowed to enter the competition for legal business between Arizona and the Several States and foreign countries.

b. Petitioners Acted Outside the Scope of Their Authority

Petitioners claim that the "..Rules presently in force contain no changes material to the issues herein," fn.2, Petition. That is incorrect. The current

Rule 28(c)VIII, changed after 1974, p.2, supra, requires only a "passing grade." In addition, current Rule 28(c)VII, p.2-3, supra, authorizes the Committee to "..utilize such grading or scoring system as the Committee deems appropriate in its discretion." Those changes are obviously an attempt to avoid the questions raised by this case and they prove that petitioners did not have the authority to use the scoring system employed on the February, 1974 Bar examination and that petitioners were acting beyond the scope of their authority. Consequently, the exact opposite of the quotation from Bates v. State Bar of Arizona, 433 U.S. 350, 97 S.Ct. 2691, 53 L. Ed.2d 810 (1977), found on p. 11, Petition, applies to this case, 433 U.S. at 359-360:

> In the instant case,..the challenged restraint is not the affirmative command of the Arizona Supreme Court under its Rules [28(a) and 28(c)VIII(1974)]. That court is the ultimate body wielding the State's power over the practice

> of law [citations], and, thus, the restraint [complained of herein was] not 'compelled by direction of the State acting as a sovereign.'

A fortiori, petitioners' course of action was neither "clearly articulated [nor] affirmatively expressed as state policy," City of Lafayette, La. v. La. Power & Light Co., 435 U.W. 389, 410, 98 S.Ct. 1123, 1135 (1978). The quoted phrase, labelled the "Midcal Test", p. 9, Petition, has since been echoed in California Retail Liquor Dealers Association v. Midcal Aluminum, Inc., 445 U.S. 97, 105, 100 S.Ct. 937, 943 (1980) and, recently, in Community Commun. Co. v. City of Boulder, Colo., 455 U.S. 40, 102 S.Ct. 835, 840 (1982); and is essentially the same standard announced in Bates, 433 U.S. at 359-360 and in Goldfarb v. Virginia State Bar, 421 U. S. 773, 791, 95 S.Ct. 2004, 2015, 44 L. Ed.2d 572 (1975).

In this case, it is not the Rule [28(c) VIII(1974), p. 1, supra] adopted by the "sovereign"--The Arizona Supreme Court--which is challenged; rather, it is the unauthorized, anti-competitive approach adopted by petitioners which is challenged. As the Ninth Circuit said, Ronwin v. State Bar of Arizona, 686 F.2d 692 (9 Cir. 1982):

> Like defendants in Goldfarb, the defendants here have no statute or Supreme Court Rule to point to as directly requiring the challenged grading procedure.

That observation is emphasized by the nature of the rule changes, pp.2-3, supra, which shows that petitioners absolutely lacked authority to use just any grading or scoring procedure they wished until the change in Rule 28(c)VIII, which occurred subsequent to the February, 1974 Bar examination.

As recognized by the Ninth Circuit, 686 F.2d at 695-696, the foregoing distinguishes this case from Bates and is

"more analogous" to Goldfarb.

c. Petitioners Did Not Seek Approval Of Their Grading Scheme By The Arizona Supreme Court

Petitioners assure this Court that, under Rule 28(c)(VII)(B), p. 3, Petition, they were "required to, and did, submit [their] proposed formula for grading the bar examination to the [Arizona] supreme court to secure that court's approval of the formula," p. 15,Petition, which implies that petitioners: (i) submitted their raw score scheme and (ii) received approval thereof from the Arizona Supreme Court. That is deceptive and untrue. The same argument was made by the defendants for the first time to the Ninth Circuit, 686 F.2d at 697. To counter, Ronwin obtained a copy of the report submitted pursuant to said Rule from the Clerk's office of the Arizona Supreme Court and submitted same to the Ninth Circuit, 686 F.2d at 697, see copy on p.A-2, Appendix.

The Ninth Circuit rejected petitioners' argument, 686 F.2d at 697:

> ..if, as Ronwin alleges, the Committee scored the examination to admit a pre-determined number of applicants, the letter does not so advise the court. Accordingly, if the letter presented to us constitutes the submission to the [Arizona] Supreme Court, it cannot be the basis for a clearly articulated and affirmatively expressed state policy. Although dismissal might have been proper if the facts were as defendants now argue for the first time on rehearing, those facts were never brought to the district court's attention.

d. Petitioners Are Not Entitled to State Action Immunity

In their capacity as members of the Committee, petitioners were not sovereign. The sovereign power in bar matters rests with the Arizona Supreme Court, Bates, 433 U.S. at 359-360. Petitioners would only have immunity if they carried out a "clearly articulated and affirmatively expressed" policy of the Arizona Supreme Court, City of Lafayette, 435 U.S. at 410; Midcal, 445 U.S. at 105; City of Boulder, 102 S.Ct.

at 840, Bates, 433 U.S. at 359-360; and Goldfarb, 421 U.S. at 791. As above, that is not what petitioners did. Petitioners ignored the command of Rule 28(c)VIII(1974), p. 1, supra, and substituted their own unofficial and illegal "rule", whose thrust was anti-competitive,as was the Virginia State Bar's enforcement, ergo, adoption of the not clearly articulated nor affirmatively expressed pricing policy in Goldfarb, 421 U.S. at 790. Most appropriate hereto is the comment in Goldfarb, 421 U. S. at 791:

> It is not enough that..anti-competitive conduct is 'prompted' by state action; rather, anticompetitive activities must be compelled by direction of the State acting as sovereign.
>
> The fact that [petitioners were members of a Committee that was] a state agency for some limited purposes does not create an antitrust shield that allow[ed petitioners] to foster anticompetitive practices for the benefit of [State Bar members].

Petitioners are not entitled to the state action immunity they claim, pp.15-17, Petition.

e. Petitioners Are Subject To Anti-Trust Suit

The plain response to petitioners' argument that bar matters must arise only in the context of constitutional challenges, pp.5-7, Petition, is ably given by the Ninth Circuit, 686 F.2d at 697-698.

Petitioners predict dire consequences if Ronwin is upheld, pp. 7-8, Petition, including that (i)"federal antitrust review imperils the entire existing system of bar admissions," and that (ii) "the federal courts will, consequently, be clogged with new antitrust actions after each state bar examination."

If the "entire existing system" is as rife with illegality as petitioners' actions, it ought more than be imperilled--it ought be abolished.

Boulder, Colo., also sought refuge in the "clogged" courts claim, which this Court rejected,saying, City of Boulder, 102 S.Ct. at 843:

> ..and will unduly burden the Federal courts. But this argument is simply an attack upon the wisdom of the longstanding congressional commitment...embodied in the antitrust laws.

If petitioners, and their successors are so committed to the law, as they ought to be, they will stop violating it. That will "unclog" the courts.

f. State Agencies and State Officials Are Not Immune From the Requirement of Clear Articulation and Affirmative Expression; Nor Are They Immune By Virtue Of Their Status Alone

Petitioners claim that the clear articulation and affirmative expression criterion does not apply to State agencies or to State officials, pp.9-14, Petition. That plainly cannot be since the criterion was applied by this Court in Bates, 433 U.S. at 359-360; Goldfarb, 421 U.S. at 791;

City of Lafayette, 435 U.S. at 410; Midcal, 445 U.S. at 105; City of Boulder, 102 S.Ct. at 840. As the Ninth Circuit observed, 686 F.2d at 697:

> ..Although the defendants in the United States Supreme Court's state-action decisions were public bodies, or subdivisions of the state, that did not end the Court's analysis. The Court still looked to see whether the challenged restraints were clearly articulated and affirmatively expressed as state policy and were actively supervised by the state acting as sovereign. Thus, for instance, it was not dispositive that the restraints challenged in Parker, Orrin W. Fox, and Midcal were enforced, respectively, by a state commission, a state board,and a state department. [citations]. In City of Lafayette, 435 U.S. at 408, 98 S.Ct. at 1134, a plurality of the Court expressly rejected the argument that the state-action exemption extends to 'all governmental entities, whether state agencies or subdivisions of a State...simply by reason of their status as such.' This position has since been adopted by a majority of the Court. See City of Boulder, 102 S.Ct. at 842.

The line of division, as indicated in City of Boulder, 102 S.Ct. at 842, is

whether or not the particular agency or official is "sovereign." Petitioners are not sovereign; the Arizona Supreme Court is, Bates, 433 U.S. at 360.

g. There Is No Conflict Between The Circuits

Petitioners argue that the Ninth Circuit decision conflicts with that of other circuits, p.12, Petition.

The rules challenged in Foley v. Alabama State Bar, 648 F.2d 355 (5 Cir. 1981) and in Feldman v. Gardner, 661 F.2d 1295 (D.C.Cir. 1981), cert. den. 102 S.Ct. 3483, cert. granted on another issue, sub. nom. Dist. of Columbia Ct. of Appeals v. Feldman, 102 S.Ct. 3481, were essentially those of the "sovereign" in each case, Foley, 648 F.2d at 359; Feldman, 661 F.2d at 1307. In Princeton Community Phone Book, Inc. v. Bate, 582 F.2d 706 (3 Cir. 1978), the Court held that the kind of action that the defendants took was com-

manded, albeit not clearly, by the sovereign, 582 F.2d at 719. The case is not in conflict with Ronwin; if there is any conflict it is with the decisions of this Court, such as in Bates, Goldfarb, Midcal.

In instant cause, petitioners were told to grade on a scale from 0 to 100 and to examine each applicant for his or her own ability to meet or exceed the pre-set standard of a grade of 70, after which petitioners were required to recommend for admission those reaching or exceeding the 70 grade. Instead, petitioners disregarded the clear command of the sovereign and used their own rules. No conflict exists between the circuits.

2. On the assumption, arguendo, that the issue is properly before this Court, as petitioners argue (fn.9, Petition), is the Noerr-Pennington doctrine applicable to petitioners?

Petitioners claim that the Noerr-Pennington doctrine immunizes their recommendations regarding bar admissions, pp.

18-20, Petition.

Sophistry has reached a new height!

Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc., 365 U.S. 127, 81 S.Ct. 523 (1961) proceeds on the theme, 365 U.S. at 135:

> ..that no violation of the Act can be predicated upon mere attempts to influence the passage or enforcement of laws.

Noerr drew a distinction between associations having as their purpose attempts to induce "particular action with respect to a law that would produce a restraint..," and combinations normally held violative of the Sherman Act, 365 U.S. at 136.

United Mine Workers of America v. Pennington, 381 U.S. 657, 669, 85 S.Ct. 1585, 1593 (1965) follows Noerr.

The fact situations in both cases are totally dissimilar to the case at bar and both cases are inapplicable to this action. Ronwin has not challenged petitioners'

right protected by Noerr and by Pennington to make a recommendation on Ronwin's application as being violative of anti-trust law; rather, Ronwin has challenged the actual anti-competitive grading scheme employed by petitioners without authorization and in disregard of the policy stated in Rules 28(a) and 28(c)VIII(1974).

Petitioners argue that "Ronwin made no effort to plead that petitioners' acts fell within the 'sham' exception to Noerr-Pennington,and could not do so..," fn. 11, p. 20, Petition.

As petitioners noted, the Noerr-Pennington argument was raised for the first time in two amicus curiae briefs in the Ninth Circuit, fn. 9, p. 18, Petition, --briefs to which Ronwin was not allowed by the Ninth Circuit to respond, see Order of the Ninth Circuit, p. A-3, Appendix, and for that reason Ronwin "made no effort to plead..the 'sham' exception."

Petitioners cite Noerr, as well as Clipper Express v. Rocky Mountain Motor Freight, Inc., 674 F.2d 1252 (9 Cir. 1982), pet. for cert filed, 51 U.S.L.W. 3512 (U.S. Jan. 3, 1983, No. 82-1110), as authority on the 'sham' exception, fn. 11, p. 20, Petition.

The sham exception removes anti-trust immunity when, Clipper, 674 F.2d at 1262:

> ..the purported effort to influence or obtain government action is in reality only an attempt to interfere with business relationships of a competitor, however, the activity does not enjoy anti-trust immunity (citing Noerr).

Clipper also recognizes that whether "something is a genuine effort to influence governmental action, or a mere sham, is a question of fact," 674 F.2d at 1264.

Since Rule 28(c)VIII(1974), p. 1, supra, states that those who obtain a grade of 70 and otherwise found qualified "..shall be recommended for admission to the Bar,"

petitioners' recommendations are commanded and can hardly be classified as attempts "to influence" judicial policy.

It is also clear from Noerr that the attempts to influence which enjoy immunity are in the nature of "political" efforts. Thus, Noerr explains, 365 U.S. at 140:

> Insofar as [the Sherman] Act sets up a code of ethics at all, it is a code that condemns trade restraints, not political activity, and, as we have already pointed out, a publicity campaign to influence governmental action falls clearly into the category of political activity.

Petitioners' "recommendations" activity hardly constitutes "political activity."

Whether or not the "sham" exception is applicable to petitioners, petitioners whole attempt to clothe themselves with Noerr-Pennington doctrine immunity is a transparent sham.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be denied.

Respectfully submitted

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Respondent pro se

(Appendices follow)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDWARD RONWIN,

Plaintiff-Appellant,

v.

STATE BAR OF ARIZONA, CARLOCK GEORGE READ and WANDA MYERS, ROBERT D. and JUDITH WOLFINGER, HAROLD J. and JANE DOE RICHMOND, JAMES L. and JANE DOE HOOVER, CHARLES R. and JANE DOE,

Defendants-Appellees.

No. 80-5004
D.C. #CIV 78-193

O R D E R

Before: FERGUSON and BOOCHEVER, Circuit Judges, and HATTER,* District Judge.

A majority of the panel in the above case has voted to deny the petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc, and, upon a call for a vote, the en banc call failed to receive a majority of votes of the eligible judges.

The petition for rehearing is denied and the suggestion for rehearing en banc is denied.

*Honorable Terry J. Hatter, Jr., United States District Judge for the Central District of California, sitting by designation.

COMMITTEE ON EXAMINATIONS AND ADMISSIONS
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CASA GRANDE
CHARLES R. HOOVER
PHOENIX

February 8, 1974

The Honorable Jack D. H. Hays
Chief Justice
Supreme Court of Arizona
1700 West Washington Street
Phoenix, Arizona 85007

Dear Chief Justice Hays:

Pursuant to the requirements of Rule VII-B of the Rules for Admission of Applicants to the State Bar of Arizona, as recently amended, this Committee hereby advises the Court, with respect to the February, 1974, examination, that the formula upon which the Multi-State Bar Examination results will be applied with the other portions of the total examination results and the proposed formula for grading the entire examination are as follows:

> The results on the Multi-State portion and the essay portion will be correlated by the standard deviation method, the computation being done for the Committee under the supervision of the National Conference of Bar Examiners, and the two portions of the examination will be weighted as follows:
>
> | | |
> |---|---|
> | Multi-State | 3/7 |
> | Essay | 4/7 |

Respectfully submitted,

G. R. Carlock
Chairman

GRC:ryt

cc: Members of the Committee
Mrs. Doris Odom

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDWARD RONWIN, Plaintiff-Appellant, v. STATE BAR OF ARIZONA, CARLOCK GEORGE READ and WANDA MYERS, ROBERT D. and JUDITH WOLFINGER, HAROLD J. and JANE DOE RICHMOND, JAMES L. and JANE DOE HOOVER, CHARLES R. and JANE DOE, Defendants-Appellees.	No. 80-5004 D.C. #CIV 78-193 ORDER

Before: FERGUSON and BOOCHEVER, Circuit Judges, and HATTER,* District Judge.

It is hereby ordered that:

(1) all motions presently pending before the court for Leave to File Amicus Curiae Briefs in support of Appellees' Petition for Rehearing are granted;

(2) Appellant's Motion for Leave to File Supplemental Response to Appellees' Petition for Rehearing is granted;

(3) Appellees' Petition for Rehearing is granted; and

(4) the case stands submitted for rehearing on the basis of the record, briefs, and other material presently before the court -- including the amicus briefs and the Appellant's Supplemental Response -- without further filings or additional oral argument.

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*Honorable Terry J. Hatter, Jr., United States District Judge for the Central District of California, sitting by designation.